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WEMMH PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/008,781
		Filing Date	November 13, 2001
		First Named Inventor	Hathaway, David
		Art Unit	3731
		Examiner Name	Julian Woo
Total Number of Pages in this Submission	10	Attorney Docket Number	7037-438

ENCLOSURES (check all that apply)

- | | | |
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| <input checked="" type="checkbox"/> Fee Transmittal Form
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<input checked="" type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)

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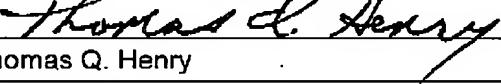
<input type="checkbox"/> Information Disclosure Statement

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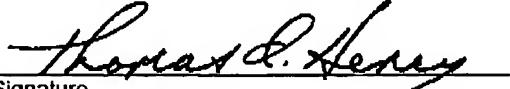
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP		
Signature			
Printed Name	Thomas Q. Henry		
Date	December 27, 2005	Reg. No.	28,309

- | |
|--|
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SignatureDecember 27, 2005
Date

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FAX No. 317 637 7561 EEC 27 2005 P. 002

WEMMH PTO/SB/17 (02/04)

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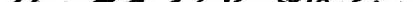
FEE TRANSMITTAL For FY 2005		Complete if Known					
		Application Number	10/008/781				
		Filing Date	November 13, 2001				
		First Named Inventor	Hathaway, David				
		Examiner Name	Julian Woo				
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	3731				
TOTAL AMOUNT OF PAYMENT (\$ 250.00)		Attorney Docket No. 7037-438					
METHOD OF PAYMENT (check all that apply)							
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____							
<input checked="" type="checkbox"/> Deposit Account Deposit Account number: 23-3030 Deposit Account Name: Woodard, Emhardt, Moriarty, McNeill & Henry LLP For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)							
<input type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee					
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments.					
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1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
2. EXCESS CLAIM FEES				Small Entity Fee (\$)			
Fee Description Each claim over 20 (including Reissues) Each independent claim over 3 (including Reissues) Multiple dependent claims				Fee (\$) 50 200 360			
Total Claims Extra Claims Fee (\$) Fee Paid (\$) 21 -20 or HP =1 x50.00 =50.00				Multiple Dependent Claims Fee (\$) Fee Paid (\$) x =			
HP = highest number of total claims paid for, if greater than 20				Small Entity Fee (\$) 25 100 180			
Independent Claims Extra Claims Fee (\$) Fee Paid (\$) 4 -3 or HP =1 x200.00 =200.00				HP = highest number of independent claims paid for, if greater than 3			
3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 C.F.R. 1.16(s).				Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) -100 = /50 = (round up to a whole number) x			
4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount) Other (e.g., late filing surcharge):				Fee Paid (\$) _____			

SUBMITTED BY:

Signature	<i>Thomas Q. Henry</i>	Registration No.: (Attorney/Agent)	28,309	Telephone:	(317) 634-3456
Name (Print/Type):	Thomas Q. Henry			Date:	December 27, 2005

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Name (Print/Type)	Thomas Q. Henry		
Signature		Date	December 27, 2005

WEMMH #317053 (Rev. 7/05)

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FAX No. 317 637 7561

P. 004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Hathaway) Before the Examiner
Serial No. 10/008,781) Woo, Julian W.
Filed November 13, 2001)
APPARATUS AND METHOD FOR)
POSITIVE CLOSURE OF AN)
INTERNAL TISSUE MEMBRANE)
OPENING)

RESPONSE TO FINAL OFFICE ACTION
UNDER 37 C.F.R. §1.111

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 27, 2005, Applicants respectfully request entry of the following amendments and consideration of the accompanying remarks.

Amendments to the claims begin on page 2 of this transmittal.

Remarks begin on page 6 of this transmittal.

Additionally, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 23-3030, but do not include any payment of issue fees that are or may become due.

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December 27, 2005
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Hathaway, USSN 10/008,781
RESPONSE TO FIRST OFFICE ACTION
7037-438.Q.280158v2

Page 1 of 7

12/28/2005 MBINAS 00000001 10008781

01 FC:1202 50.00 OP
02 FC:1201 200.00 OP

Atty. Docket 7037-438.Q.280158v2